



05-24-06

PATENT
Attorney Docket No.: 34585-503

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/645,237 Confirmation No.: 7166
Applicant(s) : Oleg Logvinov, *et al.*
Filed : August 21, 2003
TC/A.U. : 2636
Examiner : Swarthout, Brent
Title : **Method and System For Modifying Modulation of Power Line Communications Signals for Maximizing Data Throughput Rate**

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL TRANSMITTAL

I hereby certify that the documents and/or fee(s) listed below are being deposited with the United States Patent and Trademark Office as Express Mail bearing Express Mail Label No. **EV 829091146US** under 37 C.F.R. §1.10 in an envelope with prepaid postage on the date indicated above and addressed to **MAIL STOP PETITION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:


1. Supplemental Submission for the May 17, 2006 Petition for Revival of an Unintentionally Abandoned Patent Application under 37 C.F.R. §1.137(b), [2 pgs.];
2. Executed Declaration of Oleg Logvinov in Support of Petition for Revival of An Unintentionally Abandoned Patent Application Under 37 C.F.R. § 1.137(b) [3 pgs.];
3. Copy of Express Mail Transmittal filed on May 17, 2006 [1 pg.];
4. Copy of Petition for Revival of an Unintentionally Abandoned Patent Application under 37 C.F.R. §1.137(b) filed on May 17, 2006 [3 pgs.];
5. Copy of Issue Fee Transmittal PTOL-85, Part B filed on May 17, 2006 [1 pg.];
6. Copy of Change of Correspondence Address filed on May 17, 2006 [1 pg.];
7. Copy of Check No. 3209 in the amount of \$1015.00 [1 pg.];
8. Copy of Check No. 3208 in the amount of \$750.00 [1pg.];
9. Express Mail Transmittal, [1 pg.]; and
10. Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (212) 935-3000, New York, New York. The Director is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. **50-0311**, Reference No. **34585-503**, Customer No. **35437**.

Dated: May 22, 2006

Richard G. Gervase, Reg. No. 46,725
Timur E. Slonim, Reg. No. 47,095
Attorneys for Applicants
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**SUPPLEMENTAL SUBMISSION FOR THE MAY 17, 2006 PETITION FOR
REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION UNDER 37 C.F.R. 1.137(b)**

Supplemental to Applicant's Petition for Revival of an Unintentionally
Abandoned Patent Application Under 37 C.F.R. 1.137(b) ("Petition") filed on May 17,
2006, Applicant submits the executed Declaration of Oleg Logvinov, dated May 18,
2006, in Support of Petition for Revival of an Unintentionally Abandoned Patent
Application Under 37 C.F.R. § 1.137(b), which was inadvertently omitted from the May
17, 2006 submission of the Petition and related documents.

On May 17, 2006, Applicants submitted the following papers by express mail
(Express Mail No. EV829091146US) to request revival of the above-referenced
application under 37 C.F. R. § 1.137(b) (a copy of each is enclosed for your reference):

- Copy of Express Mail Transmittal [1 page];

- Copy of the Petition for Revival of an Unintentionally Abandoned Patent Application under 37 C.F.R. § 1.137(b) [3 pages];
- Copy of Issue Fee Transmittal PTOL-85, Part B [1 page];
- Copy of Change of Correspondence Address [1 page];
- Copy of Check No. 3209 in the amount of \$1015.00 [1 page]; and
- Copy of Check No. 3208 in the amount of \$750.00 [1 page].

As the filing of the Logvinov Declaration completes the submission of the Petition filed on May 17, 2006, Applicant appreciates the Office's consideration thereof. If the Office of Petitions has any questions or comments, the Office is invited to contact Applicant's below named representative immediately at phone no. 212-692-6704.

Applicant believes no further fee(s) is due at this time, however, the Director is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. **50-0311**, Reference No. **34585-503**, Customer No. **35437**.

Dated: May 22, 2006

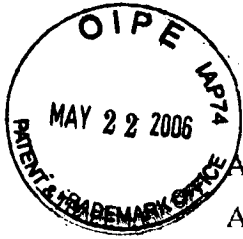
Respectfully submitted,



Richard G. Gervase, Reg. No. 46,725
Timur E. Slonim, Reg. No. 47,095
Attorneys for Applicants
c/o MINTZ LEVIN COHN FERRIS
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**DECLARATION OF OLEG LOGVINOV IN SUPPORT OF PETITION FOR
REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

I, Oleg Logvinov, hereby depose and state as follows:

1. I am the President and CEO of Arkados, Inc. and have held these positions since May 24, 2004. The above-referenced application has been assigned to Arkados on August 27, 2004. I submit this declaration in support of Arkados' Petition For Revival of an Unintentionally Abandoned Patent Application Under 37 C.F.R. § 1.137(b). My declaration is based on my own personal knowledge.
2. Arkados, Inc. and its predecessor company Enikia LLC have been represented in the intellectual property matters, including patent preparation and prosecution, by the law firm of Norris McLaughlin & Marcus PA (the "NMM firm") for over 4 years. The NMM firm has filed over 30 patent applications in the U.S. and abroad and obtained 3 issued US patents for Arkados.
3. The PTO issued the notice of allowance for the above-referenced application on June 1, 2005. On June 28, 2005, Arkados' prior attorneys from the NMM firm withdrew from representation of Arkados without giving notice of the deadline for payment of the issue fee. The withdrawing NMM firm has forwarded 6 boxes of the voluminous patent files *en masse* to Arkados.
4. Arkados is a small company whose headcount had been only between 10 and 12 employees, none of whom is trained in the patent law field. Arkados has

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Attorney Docket No.: 34585-503

diligently undertook to review the files but has not been able to complete that process before the deadline to pay the issue fee for this allowed application.

5. Soon after the withdrawal of the NMM firm, I started negotiations with them to revive the relationship. In fact, in August 2005 the negotiations were already under way for the NMM firm to continue representing Arkados in the intellectual property matters. As a back up plan, in September 2005 I have also contacted other law firms in an effort to find replacement intellectual property counsel.
6. The PTO issued the notice of abandonment on October 26, 2005, which Arkados received shortly thereafter. Arkados never intended to abandon this already allowed application. Arkados places significant value on its patents and has continuously expanded its patent portfolio. In fact, Arkados already has 3 issued U.S. patents. Arkados relies on patent protection of its innovative technology and issues press releases about the issuance of its patents. Arkados also pursues foreign patent rights based on the U.S. applications in many countries. In addition to the already incurred R&D expenses to invent this technology, Arkados has already spent over approximately \$10,000 on preparation and prosecution of this application and would not want to abandon that investment after the application was allowed and additional fees were minimal. Therefore, Arkados was eager to add another patent to its patent portfolio and did not intend to abandon it.
7. As it had no patent counsel when it received notice of abandonment, Arkados was diligently working towards hiring patent counsel to reinstate this allowed application. In November 2005, Andreas Typaldos, the chairman of the board of Arkados' parent corporation CDKnet.com, and I promptly continued negotiations to hire back the NMM firm, the firm most familiar with the Arkados' applications because it has drafted and prosecuted almost the entire Arkados' patent portfolio. The negotiations with the NMM took several months. Arkados also looked into hiring other patent counsel.
8. After on March 31, 2006 the NMM firm finally rejected Arkados' proposals to continue work on Arkados' patent portfolio, Arkados has engaged Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. ("Mintz Levin") in April 2006, to become its patent counsel. Mintz Levin has promptly reviewed the file and prepared the accompanying petition to revive this already allowed but unintentionally abandoned application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

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18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: May 19, 2006



Oleg Logvinov



PART B - FEE(S) TRANSMITTAL

COPY

Complete and send this form, together with applicable fee(s), to: MailMail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C.

666 Third Avenue, 24th Floor

New York, N.Y. 10017

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Taricha Edis	(Depositor's name)
<i>Taricha Edis</i>	(Signature)
MAY 17, 2006	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,237	08/21/2003	Oleg Logvinov	102352-031 US- 34585-503	7166

TITLE OF INVENTION: METHOD AND SYSTEM FOR MODIFYING MODULATION OF POWER LINE COMMUNICATIONS SIGNALS FOR MAXIMIZING DATA THROUGHPUT RATE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	09/01/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
SWARTHOUT, BRENT	2636	340-310020

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

ARKADOS, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

North Plainfield, NJ

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-0311 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(e)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

T. Slonim

Date

MAY 17, 2006

Typed or printed name

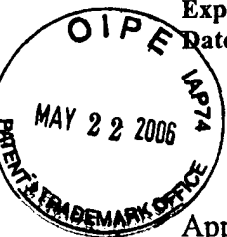
Tim E. Slonim

Registration No.

47,095

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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COPY

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COMMISSIONER FOR PATENTS

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Alexandria, VA 22313-1450

CHANGE OF CORRESPONDENCE ADDRESS

Sir:

Please change the corresponding address of the above-referenced patent to:

**Richard G. Gervase, Esq.
Mintz Levin Cohn Ferris
Glovsky & Popeo, P.C.
666 Third Avenue, 24th Floor
New York New York 10017
Telephone: (212) 935-3000
Telefax: (212) 983-3115
Customer Number: 35437**

The undersigned are the attorneys of record in this case.

Respectfully submitted,

T. Slonim

Date: May 17, 2006

Richard G. Gervase, Reg. No. 46,725
Timur E. Slonim, Reg. No. 47,095
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3208

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO PC
NEW YORK INTELLECTUAL PROPERTY ACCT
666 THIRD AVE
NEW YORK NY 10017

DATE 5-17-06

PAY TO THE ORDER OF DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE \$ 750.00

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FOR 3485-503 Petition

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05/17/06

3209

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GLOVSKY & POPEO PC
NEW YORK INTELLECTUAL PROPERTY ACCT
666 THIRD AVE
NEW YORK NY 10017

DATE 5-17-06

PAY TO THE ORDER OF DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE \$ 1,015.00

One thousand fifteen and 00/100 DOLLARS

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Bank of America

FOR 3485-503 Exam Fee

00032091 0010001381 0094286224911

05/17/06